

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF
CHARGING BOARD MEETING HELD JUNE 21, 2006
PHOENIX, ARIZONA**

A Public Meeting of the Arizona Peace Officer Standards and Training Board was convened on June 21, 2006, at the AZ POST facility, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Chief Jerry Sheridan
Mr. Tim Black, representing Attorney General Terry Goddard
Chief Pennie Gillette-Stroud, representing Director Roger Vanderpool
Deputy Director Gary Phelps, representing Director Dora Schriro
Chief Jack Harris
Detective Robert Thompson
Chief Patricia Huntsman
Dr. Michael Polakowski
Mr. Joseph Duarte
Sgt. Tamatha Villar
Ms. Wendy Larsen

Members Absent:

Sheriff Clarence Dupnik

Staff in Attendance:

Tom Hammarstrom
Lyle Mann
Bob Forry
Ted Brandon
Gary Maschner
Marie Dryer
Curt Milam
Sgt. Rick Watling
Maria Valtierra
Sandy Sierra

Assistant Attorney General:

Diana Stabler

Guest Roster:

Janet Feltz
Bernadette Koren

A. Call to Order

Chairman Butler called the meeting to order at 10:00 a.m.

B. Law Enforcement Presence at the Arizona Sports and Tourism Authority Stadium (ASTAS)

Assistant Attorney General Diana Stabler addressed the Board to inform them that the Glendale Police Department is coordinating the presence of law enforcement officers to work events at the new Cardinal Stadium. The plan calls for Intergovernmental Agreements among the participating agencies that will supply officers to work the events. Each individual officer will also sign an agreement detailing the duties, dress code, etc.

POST rules did not envision dual employment of individual officers and the rules do not address the need for duplication of agency duties with respect to these officers. Since dual employment is solely for off-duty assignments and the agencies have agreed that the primary employer will be the agency responsible to POST, it is reasonable to waive the agency requirements under POST rules as to Glendale's use of the other agency's officers in performing law enforcement duties for ASTAS events.

The Board is being asked to approve waiver of agency requirements for the Glendale Police Department with regard to officers hired under the ASTAS agreements.

Mr. Black made a motion to waive all agency duties under the POST rules for the Glendale Police Department as such duties relate to any officer employed by Glendale solely for purposes of providing "off-duty" security in connection with the ASTAS under an IGA with that officer's primary employing agency, seconded by Chief Sheridan, motion carried 12-0.

C. Final Action Cases:

Case #1 – Bernadette Koren. *Chief Pennie Gillette-Stroud and Mr. Phelps recused themselves from participation and voting on this case.* The Board considered comments from Assistant A.G. Diana Stabler for the state and Ms. Janet Feltz, attorney representing Ms. Koren.

Ms. Feltz is requesting the Board reconsider its decision of March 15, 2006. Ms. Feltz claims there was not a quorum present at the March 15,

2006 meeting. Three Board members were absent from this meeting, two other members recused themselves from this case, leaving only seven members to vote. The vote was 4-3 in favor of revoking Officer Koren's certification. Ms. Feltz believes the complete consideration Officer Koren was entitled to was lacking as a result of the absence of three Board members.

Mr. Black stated the minutes from the March 15, 2006, meeting showed the vote was 4-2.

After research by staff, it was determined the minutes were incorrect, the vote was actually 4-3. The minutes will be amended to show the correct vote on this case.

Chief Harris made a motion to deny the Motion for Reconsideration on this case, seconded by Chief Sheridan, motion carried 10-0.

Case #2 – Dave C. D'Oyen. *Chief Pennie Gillette-Stroud recused herself from participation and voting on this case.* The Board considered comments from Assistant A.G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement for voluntary relinquishment of peace officer certification, seconded by Chief Huntsman, motion carried 11-0.

Case #3 – Aaron R. Hopkins. The Board Considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement for voluntary relinquishment of peace officer certification, seconded by Chief Huntsman, motion carried 12-0.

Case #4 – Richard M. Dushion. The Board considered comments from Assistant A. G. Diana Stabler. Sgt. Villar made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for a period of 6-months beginning on September 12, 2005 and ending on March 12, 2006, seconded by Dr. Polakowski, motion carried 12-0.

Case #5 – Mario Reyes, Jr. The Board considered comments from Assistant A. G. Diana Stabler. Chief Harris made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for a period of two years beginning on December 27, 2005 and ending on December 27, 2007, seconded by Chief Sheridan, motion carried 12-0.

Case #6 – Michael W. Thomas. The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer

certification for a period of one year beginning on March 10, 2005 and ending on March 10, 2006, seconded by Chief Gillette-Stroud, motion carried 12-0.

E. Charging Board Cases:

Case #1 – Johnny Chavez III. *Chief Harris recused himself from participation and voting on this case.* Sgt. Villar made a motion to Initiate Proceedings, seconded by Mr. Duarte, motion carried 11-0.

Case #2 – Scott C. Dunlap. Dr. Polakowski made a motion to Initiate Proceedings, seconded by Chief Huntsman, motion carried 12-0.

Case #3 – Kathleen J. Garza. *Chief Harris recused himself from participation and voting on this case.* Chief Gillette-Stroud made a motion to Initiate Proceedings, seconded by Deputy Director Phelps, motion carried 11-0.

Case #4 – Barry R. Guernsey. Chief Sheridan made a motion to close the case with No Action with Agency Discretion, seconded by Deputy Director Phelps, motion carried 12-0.

Case #5 – Veronica A. Lopez. Chief Sheridan made a motion to close the case with No Action with Agency Discretion, seconded by Deputy Director Phelps, motion carried 12-0.

Case #6 – Barton Hosteen. Chief Sheridan made a motion Initiate Proceedings, seconded by Chief Huntsman, motion carried 12-0.

Case #7 – Antonio Y. Johnson. Chief Gillette-Stroud made a motion to close the case with No Action with Agency Discretion, seconded by Chief Sheridan, motion carried 11-1.

Case #8 – Randy S. Lineberger. Chief Huntsman made a motion to Initiate Proceeding, seconded by Dr. Polakowski, motion carried 12-0.

Case #9 – David M. McMahon. Chief Gillette-Stroud made a motion to Initiate Proceedings, seconded by Mr. Duarte, motion carried 12-0.

F. Adjourn

Chairman Butler adjourned the meeting at 11:12 a.m.

Dated June 26, 2006

Sandra L. Sierra, Recording Secretary

Minutes approved as written.

Gary Butler, Chairman